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CLERK U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIF.  
LOS ANGELES

By 

8 **UNITED STATES DISTRICT COURT**

9 for the Central District of California

10  
11 Louis A. Coffelt, Jr., ) Case No.: **5:17-cv-01684-FMO-SHK**  
12 Plaintiff, )  
13 --v.-- )  
14 Autodesk, Inc., ) **OPPOSITION TO MOTION TO DISMISS**  
15 Defendant. )

16 Date: November 30, 2017

17 Time: 10:00 a.m.

18 Courtroom: 6D, 6th Floor

19 Hon. Fernando M. Olguin

20  
21 **Opposition To Motion To Dismiss**

22 On November 1, 2017, Defendant, Autodesk, Inc. (Autodesk) filed a Motion to Dismiss  
23 the complaint (Doc 21) (Motion). Defendant alleges that the complaint fails to state a  
24 claim on which relief can be granted.

25 Plaintiff, Louis A. Coffelt, Jr., (Coffelt) opposes Defendant's Motion (Doc 21) filed  
26 November 1, 2017. Coffelt also opposes Defendant's request for Judicial Notice (Doc 22)  
27 filed November 1, 2017

1 Autodesk has failed to show how all of the facts in the complaint are only conclusions.  
2 Defendant's arguments are also contradictory. First, Autodesk alleges the complaint  
3 contains only conclusions. Next, Autodesk argues facts in the complaint.

4 **Facts In Support of Opposition**

5 Autodesk begins with irrelevant contentions directed Coffelt's previous actions. Autodesk  
6 also misstates the facts of this action. This is clearly a copyright infringement action, not  
7 patent infringement. *See Motion at 2.*

8 Autodesk contradicts their own allegations. First, Autodesk contends the complaint is  
9 only conclusions. Next, Autodesk points to facts in the complaint,  
10 *See Motion at 3, line 7:*

11 **Compl. ¶¶ 24-26, 60-65, 70**

12  
13 Autodesk incorrectly attempt to rely solely on the issue of "access" in order to have this  
14 complaint dismissed. *See Motion at 6.* The facts directed to "access" are only one  
15 of several additional facts in the complaint. The complaint does not rely solely on "access".

16  
17 Facts set forth in the complaint (Doc 1) filed August 21, 2017, show copyright infringement:

18  
19 **1.)** Coffelt is the author and sole owner of all rights title and interest in copyrighted works.

20 *See Doc 1 at ¶ 35 through 40.*

21

22 **2.)** Particular results of Coffelt's copyrighted works. *See Doc 1, ¶ 41 through 44.*

23

24 **3.)** Coffelt's photorealistic results are distinct from all prior CAD programs. *See Doc 1, ¶ 56.*

25

26 **4.)** Open Source Shading Language (OSL) results are identical to Coffelt's photorealistic results.

27 *See Doc 1, ¶ 60.*

28

1       **5.)** OSL source code is identical to or a derivative of Coffelt's copyrighted work.

2           *See* Doc 1, ¶ 61.

3

4       **6.)** Blender publications confirm that OSL is based on Coffelt's Gradient Work.

5           *See* Doc 1, ¶ 63.

6

7       **7.)** A BusinessWire publication confirms that OSL is used in Autodesk Beast.

8           *See* Doc 1, ¶ 64.

9

10       **8.)** A Sony Imageworks publication confirms that OSL is used in Autodesk Beast.

11           *See* Doc 1, ¶ 65.

12

13       **9.)** Autodesk's products AutoCAD, Fusion 360, Maya, InfraWorks, AutoCAD Civil 3D, Revit,  
14       and Beast (Autodesk Products), is essentially identical to Coffelt's Work and clearly used Coffelt's  
15       Work as its basis. *See* Doc 1, ¶ 66.

16

17       **10.)** Autodesk publications confirm that the above identified Autodesk products use OSL

18           *See* EXHIBIT 118, and EXHIBIT 119. *See* Doc 1, ¶ 69.

19

20       **11.)** Larry Gritz is not authorized to copy Coffelt's copyrighted works. *See* Doc 1, ¶ 70.

21

22       **12.)** Coffelt has Not authorized any rights, in Coffelt's copyrighted works. *See* Doc 1, ¶ 71.

23

24       **13.)** For the above reasons, The above identified Autodesk Products is an unauthorized  
25       copy of Coffelt's copyrighted works. *See* Doc 1, ¶ 74.

26

27       **14.)** For the above reasons, The above identified Autodesk Products is an unauthorized  
28       derivative work of Coffelt's copyrighted works. *See* Doc 1, ¶ 75.

1     **15.)** For the above reasons, The above identified Autodesk Products is an unauthorized  
2     distribution of Coffelt's copyrighted works. *See* Doc 1, ¶ 76.

3  
4     **16.)** Autodesk attained access to Coffelt's copyrighted works on February 28, 2013 by  
5     Coffelt's U.S patent No. 8,614,710 publication. *See* Doc 1, ¶ 77.

6  
7     **17.)** California Department of Correction and Rehabilitation (CDC) agents forcefully took copies  
8     of Coffelt's copyrighted work. *See* Doc 1, ¶ 78, 79, 80.

9  
10    **18.)** Autodesk has a significant relationship with CDC. *See* Doc 1, ¶ 78.

11  
12             Autodesk has not shown how the foregoing facts in items 1 through 18 are only  
13     conclusions.

14             Autodesk makes irrelevant contentions directed to U.S. copyright law of the year 1986.  
15     *See* Motion at 7, line 17. It is well-known that copyright law changed in 1988 directed to  
16     Notice of copyright. Autodesk cites irrelevant exceptions directed to works created before the effective  
17     date of the Berne Convention Implementation Act of 1988. Coffelt's works are created after 1988.

18             Autodesk again contradict their contentions by arguing the meaning of the term "results"  
19     in the complaint. *See* Motion at 8, line 15. Autodesk contradicts itself by arguing  
20     semantics directed to Coffelt's term "components". This case is clearly directed to copyright  
21     infringement, not patent infringement. Coffelt's copyright is directed to a literary work;  
22     and Coffelt's claimed work has a certain "result" in accordance with Title 17 U.S.C. § 101.

23             Autodesk again contradict their contentions by arguing the meaning of "results"  
24     in the complaint. *See* Motion at 9, line 3. Autodesk incorrectly contend that "results"  
25     mean "idea". Coffelt uses the term "results" in the complaint pursuant to Title 17 U.S.C. § 101:

26             A "computer program" is a set of statements or instructions to be used  
27     directly or indirectly in a computer in order to bring about a certain result.

1 Autodesk again contradict their contentions by arguing facts in the complaint,

2 *See* Motion at 9, line 15:

3 **“... a cursory examination of the two exhibits reveals otherwise. ...”**

4 The foregoing quote from Defendant’s Motion shows Autodesk is arguing facts in  
5 the complaint.

6 Autodesk again contradict their contentions by arguing facts in the complaint,

7 *See* Motion at 9, line 20:

8 **“... Exhibit 104 merely consists of fourteen lines of variable definitions and equations. ...”**

9

10 **“...There are no similarities between either the literal or non-literal elements of**  
11 **the two exhibits— ...”**

12 The foregoing quotes from Defendant’s Motion shows Autodesk is arguing facts in  
13 the complaint. The foregoing quotes from Defendant’s Motion is evidence that the  
14 complaint is not only conclusions. The complaint EXHIBIT 115, and EXHIBIT 104 clearly show  
15 Larry Gritz dissects Coffelt’s computer program and distributes it into several different files  
16 in order to hide copyright infringement.

17 Autodesk misstates facts of the complaint. This complaint is clearly directed to  
18 copyright infringement of Coffelt’s Literary Works, which are computer programs having  
19 certain results. *See* Motion at 10, line 1.

20 Autodesk again contradict their contentions by arguing facts in the complaint,

21 *See* Motion at 10, line 4:

22 **“... The Accused OSL Source Code Predates Mr. Coffelt’s Copyrighted Work. ...”**

23 The foregoing quote from Defendant’s Motion shows Autodesk is arguing facts in  
24 the complaint. The foregoing quotes from Defendant’s Motion is evidence that the  
25 complaint is not only conclusions.

26 Autodesk attempts to rely on a plurality of information directed to Open Source Shading  
27 Language (OSL). Coffelt opposes Defendant’s request for Judicial Notice (Doc 22)  
28 filed November 1, 2017 for the follwig reasons:

(a) EXHIBIT A (Doc 21-2) neither proves or disproves the complaint is only conclusions.

(b) EXHIBIT B (Doc 21-3) neither proves or disproves the complaint is only conclusions.

(c) EXHIBIT C (Doc 21-4) neither proves or disproves the complaint is only conclusions.

(d) Autoesk does not explain how EXHIBIT A, EXHIBIT B, EXHIBIT C is a basis

directed to showing any facts are only conclusions.

(e) EXHIBIT A, EXHIBIT B, EXHIBIT C (Doc 21-2, 21-3, 21-4) does not contain a version of

OSL source code which was publised in the year 2010.

(f) EXHIBIT A, EXHIBIT B, EXHIBIT C (Doc 21-2, 21-3, 21-4) does not contain a concise

techincal description of OSL source code which was publised in the year 2010.

(g) The Declaration by Richard Hung (Doc 21-1) at ¶ 4, misstates the facts of EXHIBIT C.

EXHIBIT C does Not show “..., and the Current OSL language specification, “

EXHIBIT C shows only a string of characters “osl-languagespec-20100111.pdf “.

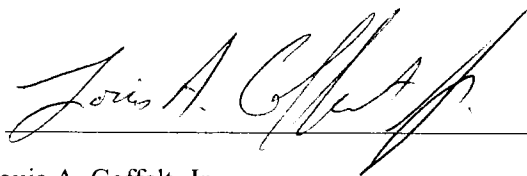
For these reasons, Coffelt believes this Court should deny Defendant’s request for Judicial

Notice (Doc 22) filed November 1, 2017

For these reasons, Coffelt believes this Court should deny Defendant’s Motion to Dismiss

(Doc 21) filed November 1, 2017.

Date: November 6, 2017

By: 

Louis A. Coffelt, Jr.

Plaintiff

Pro Se

### CERTIFICATE OF SERVICE

I, Louis A. Coffelt, Jr. ("Coffelt") hereby certify that on the 6th day of November, 2017, Coffelt filed the the foregoing document **OPPOSITION TO MOTION TO DISMISS** with the Clerk of the Court, in case No. 5:17-cv-01684-FMO-SHK, as follows:

Office of the Clerk  
United States District Court for the Central District of California  
350 W. 1st Street, Los Angeles, CA 90012

And further caused to be served one copy of the foregoing document **OPPOSITION TO MOTION TO DISMISS** by U.S. mail, postage prepaid, in case 5:17-cv-01684-FMO-SHK to the following attorneys of record:

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Date: November 6, 2017

By: 

Louis A. Coffelt, Jr.

Plaintiff

Pro Se